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Meeting of States Parties

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Report of the fourteenth Meeting of States Parties

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I. Introduction

1. The fourteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea[1] was convened in New York from 14 to 18 June 2004, in accordance with article 319, paragraph 2 (e), of the Convention and the decision taken by the General Assembly at its fifty-eighth session (resolution 58/240, para. 8).

2. Pursuant to that decision and in accordance with rule 5 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.3), invitations to participate in the Meeting were addressed by the Secretary-General of the United Nations to all States parties to the Convention. Invitations were also addressed to observers in conformity with rule 18 of the Rules of Procedure (SPLOS/2/Rev.3/Add.1), including to the President and the Registrar of the International Tribunal for the Law of the Sea, the Secretary-General of the International Seabed Authority and the Chairman of the Commission on the Limits of the Continental Shelf.

II. Organization of work

A. Opening of the fourteenth Meeting of States Parties and election of officers

3. Ambassador Stanislaw Pawlak (Poland), President of the thirteenth Meeting of States Parties, opened the fourteenth Meeting. He recalled the progress made by the thirteenth Meeting with respect to administrative and financial issues, including the approval of the budget, in relation to the International Tribunal for the Law of the Sea. He recalled that the Meeting had been informed of the developments with respect to the work of the International Seabed Authority and of the Commission on the Limits of the Continental Shelf. He also recalled the discussion held on the role of the Meeting in the light of article 319 of the Convention and the various views expressed as to whether its role should be limited only to consideration of the administrative and budgetary matters.

4. The Meeting elected by acclamation Ambassador Allieu I. Kanu (Sierra Leone) President of the fourteenth Meeting of States Parties.

5. Ahn Eun-ju (Republic of Korea), Norma Elaine Taylor Roberts (Jamaica) and Carl J. M. Peersman (Netherlands) were elected Vice-Presidents.

B. Introductory statement by the President

6. In his opening statement, the President welcomed all States parties, in particular Albania, Canada and Lithuania, which had become parties to the Convention since the thirteenth Meeting, bringing the total number of parties to 145. The President recalled with regret that some of the prominent figures whose contribution to the Convention had been recognized at the General Assembly's commemoration of the 20th anniversary of its opening for signature in 2002 had recently passed away, most prominent among them Theodore Halkiopoulos (Greece). He conveyed the sympathy of the Meeting to the Government of Greece.

7. He welcomed the President and Registrar of the International Tribunal for the Law of the Sea, the Secretary-General of the International Seabed Authority and the Chairman of the Commission on the Limits of the Continental Shelf. The President went on to note that the previous months had been marked by important achievements in the activity of the Tribunal, the Authority and the Commission.

8. The President indicated that, besides procedural aspects such as the appointment of Vice-Presidents and of the Credentials Committee, most of the matters on the provisional agenda (SPLOS/L.37) dealt with issues relating to the administration and budget of the International Tribunal for the Law of the Sea. The other major item on the agenda was the continued discussion of the role of the Meeting under article 319 of the Convention. Regarding that agenda item, he stated that he intended to consult with the chairpersons of the regional groups and other interested delegations and would attempt to seek a way forward.

C. Adoption of the agenda and organization of work

9. On the question of organization of work, the Meeting discussed the plan proposed by the President. Several delegations made comments in relation to the discussion of matters related to article 319 of the Convention. Whereas, according to the position of some delegations, the subject should be considered at an earlier stage of the Meeting to avoid a full discussion on the matter being made difficult by time and other constraints, other delegations indicated that the Meeting should first devote its full attention to the issues on which a decision by the Meeting was required, mainly administrative and budgetary issues relating to the work of the International Tribunal for the Law of the Sea. The latter delegations insisted that the discussion relating to article 319 of the Convention should be left to the end of the Meeting when all other matters requiring a decision had been dealt with.

10. In the light of the discussion on the organization of work the Meeting considered the provisional agenda (SPLOS/L.37) and adopted it (SPLOS/113) with some editorial corrections suggested by the President, on the understanding that the item entitled "Matters related to article 319 of the United Nations Convention on the Law of the Sea" would be scheduled for discussion on Wednesday, 16 June 2004, and that the whole day would be allocated to that discussion, which should be concluded on that date. Following the adoption of the agenda, the President outlined the organization of work, taking into account the understanding reached by the Meeting.

III. Report of the Credentials Committee

11. On 16 June 2004, the Meeting appointed a Credentials Committee consisting of the following nine members: Barbados, Costa Rica, Czech Republic, India, Madagascar, Monaco, Namibia, Netherlands and Singapore. The Credentials Committee held three meetings, on 16 and 17 June 2004. It elected Carl Peersman (Netherlands) Chairperson. At its meetings, the Committee examined the credentials of representatives to the fourteenth Meeting. It accepted the credentials submitted by the representatives of 106 States parties to the Convention and the European Community. On 18 June 2004, the Meeting approved the report of the Committee (SPLOS/115).

IV. Matters related to the International Tribunal for the Law of the Sea

A. Annual report of the Tribunal

12. The annual report of the International Tribunal for the Law of the Sea for 2003 (SPLOS/109) was submitted to the Meeting in accordance with rule 6, paragraph 3 (d), of the Rules of Procedure for Meetings of States Parties.

13. Introducing the report of the International Tribunal, Judge Dolliver Nelson, President of the Tribunal, recalled that, following the vacancy that had occurred in the Tribunal in 2003, Anthony Amos Lucky of Trinidad and Tobago had been elected by a Special Meeting of States Parties convened on 2 September 2003, to serve as a member of the Tribunal until 30 September 2011. In the course of 2003, the Tribunal had held its fifteenth session, from 10 to 21 March 2003, and sixteenth session, from 8 to 19 September 2003. The Tribunal's sessions had been devoted to legal and judicial matters as well as administrative and organizational issues related to the discharge of the judicial functions of the Tribunal. During 2003, the consideration of legal and judicial matters had included a review of the Rules and judicial procedures of the Tribunal, which was undertaken by both the Committee on Rules and Judicial Practice and the plenary. Some of the main issues that had been discussed had been requests for advisory opinions under the article 138 of the Rules, secrecy of deliberations, contributions towards the expenses of the Tribunal, bonds and other financial security under article 292 of the Convention, procedure for revision or interpretation of a judgement or order, and the format for the list of cases. Among the administrative and organizational matters dealt with during 2003, the President of the Tribunal mentioned the reconstitution of the five committees of the Tribunal, the preparation of the draft budget, draft financial rules and the annual report. The Tribunal had also dealt with the appointment of staff, the consideration of the staff regulations and rules, the maintenance of the premises and matters relating to the electronic systems and library facilities.

14. Turning to the judicial work of the Tribunal, the President made reference to the *Case concerning Land Reclamation by Singapore in and around the Straits of Johor (Malaysia* v. *Singapore), Provisional Measures*, the twelfth dispute submitted to it. The case concerned a request for provisional measures under article 290, paragraph 5, of the Convention submitted by Malaysia in its dispute with Singapore concerning land reclamation activities carried out by Singapore that allegedly infringed upon Malaysia's rights in and around the Straits of Johor. The request had been filed with the Registry on 5 September 2003 and the Tribunal had met from 20 September to 8 October 2003 to consider it. The Tribunal had delivered its Order on 8 October 2003 (see SPLOS/109, paras. 30-36).

15. Continuing, the President recalled that the *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community)*, which had been submitted to a chamber of the Tribunal, was still pending on the docket. The time limit for making preliminary objections with respect to the case had been extended at the request of the parties until 1 January 2006 to enable them to reach a settlement.

16. He recalled that 34 States parties had made written declarations relating to the settlement of disputes under article 287 of the Convention and that 21 States parties

had chosen the Tribunal as the means or one of the means for the settlement of disputes concerning the interpretation or application of the Convention. It was to be hoped that, in accordance with the recommendation made by the General Assembly in its resolution 58/240, an increasing number of States would utilize the possibility offered by article 287 of the Convention of choosing means for the settlement of disputes concerning the interpretation or application of the Convention. He also made reference to the possibility for parties to submit their disputes to a special chamber of the Tribunal, which could be an interesting alternative to arbitration for a number of reasons.

17. The President of the Tribunal noted that only 13 States had become parties to the Agreement on the Privileges and Immunities of the Tribunal.[2] A note verbale had been sent to the States parties by the Registry in which it drew the attention of the parties to the recommendation made by the General Assembly in resolution 58/240 for States to become parties to the Agreement.

18. The President reported that in 2003 administrative arrangements had been concluded between the Tribunal's Registry and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the Secretariat of the International Seabed Authority, the European Court of Human Rights and the Inter-American Court of Human Rights, and in 2004 with the International Labour Organization.

19. With respect to the financial situation of the Tribunal, he stated that, as at 31 May 2004, there was an unpaid balance of assessed contributions in relation to the budgets of the Tribunal for the periods 1996-2003 amounting to $1,138,323. The outstanding amount in relation to the 2003 budget was $447,314 and in relation to the 2004 budget was $2,578,618. He recalled the appeal made by the General Assembly to all States parties to pay their assessed contributions to the Tribunal in full and on time.

20. As regards the headquarters agreement between the Tribunal and Germany, the President of the Tribunal noted that significant progress had been made. He thanked the Government of Germany for the full and cordial cooperation extended to the Tribunal and hoped that an agreement would soon be concluded.

21. The Meeting took note with appreciation of the report of the Tribunal.

B. Budget of the Tribunal for 2005-2006

22. The President of the Tribunal introduced the draft budget for the biennial period 2005-2006 (SPLOS/2004/WP.1). He explained that, in preparing the proposals, the Tribunal had based itself on an evolutionary approach that would optimize efficiency, while also being guided by the principle of zero growth in planning operating expenditures. He also explained that, for the first time since its inauguration in 1996, the Tribunal had prepared its budget proposals in euros (€) covering a two-year period.

23. He underscored that, although the proposed budget for 2005-2006, which totalled €15.5 million, represented at first glance a per annum increase of €284,850 compared with the 2004 budget, that increase, however, should not be viewed as a deviation from the zero growth principle since all increases were attributable to circumstances beyond the control of the Tribunal. The increases were related to two

main factors: the rise in standard costs for staff and in common staff costs, and the increase in the judges' pension scheme resulting from the expiry of the terms of office of seven judges in 2005. In addition, a small increase was envisaged to account for inflation. He then proceeded to identify the budget items where additional funds were being requested over and above the levels approved for 2004, namely, established posts and common staff costs; the judges' pension scheme; temporary assistance for meetings; and overtime under case-related costs.

24. With respect to established posts and common staff costs, he noted that a substantial increase had been envisaged, even though the Tribunal had not made any requests for additional staff in 2005-2006. Staff-associated increases, as reflected in the draft budget, were due to the increase in the standard costs for staff and common staff costs as determined by the United Nations. Those changes applied to the Registry staff since the Tribunal was part of the United Nations common system. He also pointed out that it was proposed to upgrade the post of Press Assistant (G-7) to the Professional level (P-2) in view of the important functions performed by the staff member, which would result in a marginal increase in staff costs.

25. As regards the judges' pension scheme, the President of the Tribunal reminded the Meeting that, as the triennial election of judges would take place in 2005, the terms of office for seven judges would expire and those judges not re-elected would be entitled to a pension effective October 2005. Accordingly, a significant increase was planned in the judges' pension scheme in accordance with the previous procedures approved by the Meeting of States Parties in 1999 and 2002. The amount that would be utilized to meet the actual needs of the Tribunal would depend on the results of the election in 2005. Any part of the proposed appropriations not utilized would be surrendered in accordance with the Financial Regulations.

26. Although the budget appropriation for 2003 under the budget line "Temporary assistance for meetings" under case-related costs was based on two urgent proceedings, 66 per cent of the appropriation had been used to deal with the case submitted in 2003, the *Case concerning Land Reclamation by Singapore in and around the Straits of Johor (Malaysia* v. *Singapore), Provisional Measures*. In the light of that experience, a substantial increase was proposed under that budget item, due for the most part to the costs for interpretation and translation services and verbatim reporters. As regards "Overtime" under case-related costs, an increase had also been envisaged, on the basis of the experience gained in 2003, to cover the large increase in workload during urgent proceedings.

27. The President of the Tribunal drew the attention of the Meeting to two new budget items: "Common costs" under "Section 1: Judges" and "Reimbursement of national taxes" under "Section 2: Staff costs". The latter was dealt with in a separate document (SPLOS/2004/WP.3).

28. The President of the Tribunal referred to budget items where the amounts being requested per annum were lower than the 2004 levels, namely, judges' annual and special allowances, compensation to judges ad hoc, general temporary assistance, representation allowance, communications, supplies and materials, external printing and binding and purchase of equipment. The decreases in judges' annual and special allowances, compensation to judges ad hoc and representation allowance were due to the depreciation of the United States dollar against the euro over the past year, while reductions in general temporary assistance,

communications, external printing and binding and purchase of equipment had been envisaged on the basis of the experience of 2003.

29. The President of the Tribunal also informed the Meeting that a trust fund specifically earmarked to assist interns from developing countries had been established by the Registrar with the approval of the Tribunal in March 2004. That fund, financed entirely by a generous contribution from the Korea International Cooperation Agency (KOICA) and named the KOICA Grant, amounted to $150,000. The Tribunal would administer the KOICA Grant to support financially the participation of interns from developing countries in the Tribunal's internship programme. The use of the trust fund would be included in the audit report on the financial statements of the Tribunal.

30. The President further underscored that 2004 appropriations under certain budget lines, such as "Established posts", "Common staff costs" and "Maintenance of premises", were not expected to be sufficient to meet expenditures over the year as a result of the increases in the standard costs for staff and common staff costs as applied within the United Nations common system as well as the exchange rate fluctuations between the United States dollar and the euro. It was the Tribunal's intention to absorb within existing appropriations the increases arising from those factors by using savings in other budget lines. However, that situation made it necessary to submit a request for additional appropriations to cover over-expenditures relating to those three budget lines. The matter is the subject of a separate proposal (see SPLOS/L.38).

31. In conclusion, the President drew attention to the performance report for 2003 (SPLOS/2004/WP.1, annex I), now finalized, which indicated that $7.798 million, or 98.9 per cent of the budgeted amounts, had been utilized. There had been two areas of over-expenditure, namely, staff costs and operating expenditures, which resulted from increases in the standard costs for staff and common staff costs as well as from exchange rate fluctuations between the United States dollar and the euro. In that regard, he drew the Meeting's attention to the decision of the thirteenth Meeting, which authorized the Tribunal to finance over-expenditures in certain budget lines by transfers between appropriation sections as far as possible and, if necessary, by using the savings from the financial period 2002. Pursuant to that decision, the over-expenditures had been offset against savings under other appropriation sections and there was therefore no need to finance over-expenditures by using the savings from the financial period 2002.

32. The budget proposals for the period 2005-2006 (see SPLOS/2004/WP.1) were considered by an open-ended working group on financial and budgetary matters under the chairmanship of the President of the Meeting. During the discussions, there were requests for clarification on certain items in the budget. One delegation asked for clarifications in relation to the 3.81 per cent increase in the overall budget, which departed from the zero growth approach followed by other bodies of the United Nations system. Further clarifications were requested in relation to the apportionment among States parties of the cash surplus for the financial year 2002, in accordance with regulation 4.5 of the Financial Regulations of the Tribunal, and of the amount in the staff assessment fund at the end of 2003 referred to in the related decision of the thirteenth Meeting (SPLOS/98). As regards the increase in staff costs, information was also requested in relation to the proposed reclassification of the grade of the post of Press Assistant, currently G-7, to the

Professional level (P-2). Concern was expressed by two delegations in relation to the increases in other budget lines, such as those relating to the pension scheme for the period 2005-2006, to the maintenance of premises, including security, to hospitality and to operating expenditures. The Registrar responded to all the questions.

33. The working group approved the draft budget of the International Tribunal for the Law of the Sea for 2005-2006 and forwarded it to the Meeting, which adopted it.

34. The Meeting requested the Tribunal to keep under review the method used to assess common staff costs and to report on the matter at the next Meeting.

35. One delegation expressed its concern that the remuneration of members of the Tribunal might be affected by exchange rates fluctuations and suggested to the Meeting that the Registrar of the Tribunal should make proposals for the consideration of the fifteenth Meeting with respect to an appropriate mechanism for addressing the effects of fluctuation in the exchange rate on the remuneration of the members of the Tribunal. The proposal was subsequently approved by the Meeting.

C. Budgetary matters of the Tribunal for 2004

36. The Registrar introduced a draft decision on budgetary matters of the International Tribunal for the Law of the Sea for 2004 (SPLOS/L.38). He stated that, as for 2003, it was expected that appropriations under certain budget lines of the budget approved for 2004 might not be sufficient for expenditures for that period for reasons beyond the control of the Tribunal. These included an increase of $430,000 in the standard costs for staff and common staff costs as applied within the United Nations common system; and, if present trends continued, an increase of $110,000 for the maintenance of premises resulting from exchange rate fluctuations between the United States dollar and the euro. He pointed out that the Tribunal intended to absorb such increases within existing appropriations, wherever possible, by saving in other budget lines. However, since it might be necessary to have additional financial resources available, it was proposed that the Meeting authorize the Registrar to use part of the savings from the financial period of 2002, instead of requesting supplementary funds.

37. The matter was discussed in the working group and it was agreed that the Tribunal would be authorized to finance over-expenditures occurring in 2004 by transfers between appropriation sections as far as possible and, if necessary, by using the savings from the financial period 2002 up to $500,000. The remaining amount of savings from 2002 should be surrendered and be deducted from the contributions of States parties for 2005-2006. The Meeting endorsed the decision of the working group.

38. Three delegations proposed that the Tribunal consider the possibility of using its premises for arbitration under annex VII to the Convention. In particular, one delegation proposed that any arbitration take place with the institutional support of the Registry and participation by at least one of the judges. It was requested that that proposal be transmitted to the Tribunal.

D. Financial statements of the Tribunal and report of the External Auditors for the financial year 2002

39. The Registrar introduced the report of the External Auditors for the financial year 2002, containing also the financial statements of the Tribunal as at 31 December 2002 (SPLOS/110).

40. Introducing the document, the Registrar noted that the report included (para. 1) an outline of the audit procedures and the results of the additional audit scope, in accordance with the directive of the President of the Tribunal as set out in his letter of 17 April 2003. The Registrar also noted that the report reflected in a positive manner on the operational procedures of the Tribunal.

41. The Meeting took note of the report with appreciation.

E. Appointment of an Auditor for the Tribunal for the financial year 2004

42. The Registrar introduced a draft decision on the appointment of an Auditor for the International Tribunal for the Law of the Sea for the financial year 2004 (SPLOS/L.39). He noted that, in accordance with regulation 12.1 of the Financial Regulations of the Tribunal (SPLOS/104) the Meeting was to appoint an auditor for a period of four years. However, the regulations, though effective as at 1 January 2004, applied only to the financial period 2005-2006. Thus, a provisional arrangement for the appointment of an auditor for the financial year 2004 required a decision by the Meeting. In that context, he proposed that the Meeting, pending the appointment of the Auditor for the financial period 2005-2006, decide that the Tribunal appoint an internationally recognized firm of auditors to examine the financial statement of the Tribunal for the financial year 2004.

43. A number of delegations inquired as to whether the proposed decision would be compatible with the spirit of regulation 12.1, according to which the auditor was appointed by the States parties. Delegations also inquired as to the procedure followed in choosing the Auditor. The Registrar said the choice would be made by the Tribunal following a bidding process conducted in accordance with the accepted procedures within the United Nations system.

44. The Meeting adopted the proposed decision, as orally amended, to indicate that the States parties had "authorized" the Tribunal to appoint an Auditor for the financial year 2004.

F. Financial Rules of the Tribunal

45. The Registrar introduced the draft financial rules of the Tribunal (SPLOS/2004/WP.2). The rules had been produced pursuant to financial regulation 10.1 (a), which required the Registrar to establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy. The draft financial rules were approved by the Tribunal and submitted to the Meeting for its consideration.

46. Following a brief discussion concerning internal financial and administrative matters as reflected in the draft rules, the Meeting took note of the rules as contained in the document introduced by the Registrar.

47. Technical amendments were also read out by the President of the Meeting concerning regulations 1.2 and 6.2 (French text only) of the Financial Regulations. The Secretariat was requested to make the changes accordingly.

G. Other budgetary matters of the Tribunal

1. Budget performance for 2003: report on action taken pursuant to the decision on budgetary matters for 2003 adopted by the thirteenth Meeting of States Parties

48. The Registrar introduced the report on the budget performance for 2003 (SPLOS/112). He recalled the decision of the thirteenth Meeting of States Parties (SPLOS/99) that, in the event the Tribunal was unable to meet approved expenditures for 2003 from appropriations made with respect to the budget lines "Established posts", "Common staff costs" and "Maintenance of premises", the Registrar would be authorized to finance the over-expenditures by transfer between appropriation sections as far as possible and, if necessary, by using the savings from the financial period 2002. He also recalled that the decision required him to report to the fourteenth Meeting of the States Parties on action taken. In that regard, he reported that the over-expenditures in the section "Staff costs", relating to budget lines "Established posts" and "Common staff costs", amounted to $628,782 and were financed in part by savings ($47,203) under the same section, "Staff costs". The increase in expenditure had been due to exchange rate fluctuations between the United States dollar and the euro; increases in the standard costs for staff and common staff costs as applied in the United Nations common system; and the increases in the daily subsistence allowance rate for Hamburg, Germany, as determined by the International Civil Service Commission. The over-expenditures under the section "Operating expenditures" amounted to $18,811, in view of the fact that over-expenditures relating to the line "Maintenance of premises" ($106,045) had been offset mostly by savings in other budget lines of the same section. In accordance with the decision of the thirteenth Meeting of States Parties, the over-expenditures had been financed by transfer between appropriations and there had been no need to use the savings from the financial period 2002.

49. The Meeting took note with appreciation of the document introduced by the Registrar.

2. Reimbursement of national taxes

50. The Registrar introduced the note by the Tribunal on reimbursement of national taxes (SPLOS/2004/WP.3) by recalling that in 2003 the thirteenth Meeting of the States Parties had adopted a decision relating to the staff assessment fund (SPLOS/98, subpara. (f)) requesting the Tribunal to study and report on staff assessment systems adopted for other international organizations, in particular the United Nations system; to include proposals on possible solutions to ensure that States parties' contributions were not used to reimburse tax levied by other States; and to seek to negotiate bilateral agreements concerning tax reimbursements by States that levied national taxes on remuneration paid by the Tribunal and to report to the fourteenth Meeting thereon.

51. The Registrar explained that the system used in the United Nations consisted initially of a direct assessment on United Nations officials — "staff assessment" — which provided a source from which the national taxes paid by staff members could be reimbursed to them. He also noted that at a later stage a Tax Equalization Fund had been established in order to credit all revenue derived from the staff assessment plan. Those funds were credited to the accounts of Member States in proportion to their contribution to the United Nations budget or were used to refund taxes paid by nationals and permanent residents of a Member State and charged against the account of that Member State.

52. In the case of specialized agencies, it was explained that most of them had arrangements similar to those established by the United Nations, although few of them had tax equalization funds. Many agencies had concluded bilateral tax reimbursement agreements to obtain reimbursement from the taxing State. Such agreements did not always provide for full reimbursement to the organization of the amount of income tax paid by a staff member on salary and emolument, in which case the organization had to bear the difference.

53. In the case of the Tribunal, the Registrar explained that since 1996 it had maintained a staff assessment account to reimburse the amount of tax liability to staff members who were not exempted by their State from tax liability. In the light of the decision taken at its thirteenth Meeting relating to the staff assessment fund of the Tribunal (SPLOS/98), the issue arose of reimbursements of staff members of national taxes paid by them after 2004. In that regard, the Registry of the Tribunal had contacted the relevant authorities in the United States Government in order to conclude a bilateral tax agreement. Pending such an agreement, the Tribunal had included in its budget proposals for 2005-2006 budget lines to reimburse Registry officials and members of the Tribunal for national taxes paid on remuneration paid by the Tribunal.

54. The item was discussed by the working group on budgetary matters. A draft decision (SPLOS/L.40) on the matter was submitted to the Meeting, which adopted it. The Meeting subsequently approved the inclusion, in the budget of the Tribunal, of budget lines to reimburse members and officials of the Tribunal for national taxes levied on their remuneration paid by the Tribunal.

V. Information on the activities of the International Seabed Authority

55. In his introductory remarks, the Secretary-General of the International Seabed Authority recalled that 2004 marked the tenth anniversary of the establishment of the Authority and of the entry into force of the Convention and described the activities carried out during a two-day session held to celebrate the anniversary. In addition, he presented a comprehensive report covering the organizational, administrative and substantive work of the Authority since 1994.

56. The Secretary-General of the Authority also informed the Meeting of the work undertaken by the Authority since he has last reported to it. During that time the Authority had held two sessions, the ninth from 28 July to 8 August 2003 and the tenth from 24 May to 4 June 2004, in the course of which attention had focused mainly on the development of regulations for prospecting and exploration for

polymetallic sulphides and cobalt-rich ferromanganese crusts in the area and on the participation of the Authority in the development of the resources.

57. With regard to the regulations, the Secretary-General of the Authority informed the Meeting about the work that had been carried out by the Legal and Technical Commission of the Authority, which had completed its draft during the tenth session and submitted it for consideration to the Council of the Authority, which had decided that additional time was necessary to study the draft before considering it at its eleventh session.

58. From a substantive point of view, the Secretary-General of the Authority noted that the regulations for the two types of mineral resource were similar to those which had been adopted for prospecting and exploration for polymetallic nodules. He noted that, whereas polymetallic sulphides and cobalt-rich crust deposits were three-dimensional, deposits of polymetallic nodules were found largely on the surface of the seabed. He described this as an important difference, which had an impact on the accessibility of sulphides and crusts and on the determination of the size of the area to be allocated for exploration to a contractor. For that reason, the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the area had been developed with the active involvement of experts engaged in research on polymetallic sulphides and on seamounts.

59. As far as the issue of participation by the Authority in the development of the resources was concerned, the Secretary-General of the Authority recalled that the Agreement relating to the Implementation of Part XI of the Convention[1] provided for a parallel system whereby some areas were reserved for the Authority. In the case of polymetallic sulphides, the Secretary-General of the Authority said that such a system might not be applied because the exact depth to which their deposits extended could not be easily ascertained and applicants might not be in a position to propose two areas of equal estimated commercial value, as required in the parallel system devised for polymetallic nodules. He said that for that reason the draft regulations provided two alternatives for the applicant: a parallel system and a system for a fixed equity interest for the Authority at the stage of exploitation. In the latter case, the Authority was given the opportunity to increase its interest through a joint venture arrangement to up to 50 per cent at its own cost.

60. The Secretary-General of the Authority informed the Meeting that, following a workshop to be held in Kingston from 6 to 11 September 2004 on polymetallic sulphides and cobalt crusts: their environment and considerations for the establishment of environmental baselines and an associated monitoring programme for exploration and mining, recommendations on the establishment of environmental baselines would be made by the Legal and Technical Commission in the form of guidelines.

61. The Secretary-General of the Authority proceeded to update the Meeting on the development of a geological model for polymetallic nodule deposits in the Clarion Clipperton Zone that he had announced at the thirteen Meeting. Following a workshop that it had held on the issue, the Authority was in the process of developing such a model for the purpose of incorporating scientific findings relating to the continuity of nodule deposits and proxy data on high-grade and high-abundance nodule deposits for resource assessments. In addition, the model would assist contractors and prospectors, as well as the Authority, in administering the

Area. Owing to the complexity of the task, which involved the gathering of data and information both from the contractors and from the public domain, the Authority expected to complete the model in 2007.

62. The Secretary-General of the Authority also updated the Meeting about the Kaplan project, whose purpose was to acquire information on biodiversity, species range and gene flow in the abyssal Pacific nodule-bearing province, to predict and manage the impact of deep seabed mining. The first annual report on the project had been submitted to the Authority. It was expected that the results of the research would facilitate future regulations for polymetallic nodule exploitation. The project was being undertaken by scientists from a number of institutions and some contractors would also participate. Two research cruises had been conducted and a third was currently under way in the area.

63. He recalled that the election of the Secretary-General of the Authority had been held at the tenth session. The incumbent, Satya Nandan, had been re-elected. The biennial elections by the Assembly of the Authority of one half of the members of the Council had also been held, resulting in the following groups to serve for a four-year term, from January 2005 to December 2008:

Group A: Japan and China

Group B: United Kingdom of Great Britain and Northern Ireland and India

Group C: Portugal and South Africa (with Canada replacing Australia for the remainder of its two-year term)

Group D: Brazil, Malaysia and the Sudan

Group E: Gabon, Namibia, Senegal, Kenya, Poland, the Netherlands, Spain, the Czech Republic, Argentina, Guyana and Trinidad and Tobago.

64. The Secretary-General informed the Meeting of the tragic death of Helmut Beiersdorf (Germany), a member of the Legal and Technical Commission since 1998. Mr. Beiersdorf had been the Director of the Federal Institute for Geosciences and Natural Resources in Hanover, Germany. The President asked the Meeting for a minute of silence to honour Mr. Beiersdorf. He also conveyed his condolences and that of the Meeting to the Government of Germany.

65. The presentation by the Secretary-General of the Authority was followed by statements by several delegations. In that context, the importance that the members of the Legal and Technical Commission and the Finance Committee participate effectively in all of the meetings of the Committee was stressed and appreciation was expressed for the role of the trust fund in allowing for participation in those meetings. Relevant parties were called upon to make contributions to the trust fund. The Authority's development of environmental databases such as that for the Clarion Clipperton Zone was welcomed as a useful tool for the conduct of activities in the Area in full compliance with the Convention and evolving international legal norms, in particular in the field of protection of the marine environment. The cooperation of the Authority in the Kaplan project, regarding the acquisition of information on seabed ecosystems, was commended and it was suggested that articles on the project be made available on the Authority's web site. In that regard, appreciation for the technical and scientific workshops organized by the Authority was expressed and the convening of a workshop on the establishment of environmental baselines for contractors for exploration of polymetallic sulphides

and cobalt-rich crust deposits was welcomed. It was underlined after the presentation by the Secretary-General of the Authority, that marine scientific research in the Area could be utilized as one of the means to promote international cooperation and capacity-building. In that respect, great importance was attached to the work of the Authority in the collection, analysis and dissemination of scientific data, as well as to its coordination function. Great importance was also accorded to the work of the Legal and Technical Commission in the development of a legal framework for the prospecting and exploration of polymetallic sulphides and cobalt-rich crusts, which it was stressed should be carried out in accordance with articles 145 and 194 of the Convention and include current legal principles such as the "precautionary approach" and the "polluter pays principle".

66. The Meeting took note with appreciation of the statement by the Secretary-General of the Authority.

VI. Information on the activities of the Commission on the Limits of the Continental Shelf

67. The Chairman of the Commission, Peter Croker, reiterated that article 76 of the Convention set out the definition and the various methods for a coastal State to establish the outer limits of its continental shelf, including beyond 200 nautical miles from the baselines from which the breadth of the territorial sea was measured.

68. He noted that the Commission was currently in a position to accept further submissions from coastal States and to provide any scientific and technical advice that States preparing submissions might wish to request from the Commission. Further information regarding the provision of advice, including short biographic notes of Commission members with a brief statement of expertise, was being posted on the Commission's page at the web site of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat (www.un.org/Depts/los/clcs_new/clcs_home.htm).

69. He recalled that the Commission had received and considered the first submission from a coastal State, the Russian Federation. The recommendations of the Commission had been conveyed to the submitting State and to the Secretary-General on 1 July 2002. Information regarding the consideration of the submission by the Commission, as well as a summary of its recommendations, were contained in the report of the Secretary-General on oceans and the law of the sea (A/57/57/Add.1, paras. 27-41).

70. The Chairman of the Commission further recalled that, following the receipt of those recommendations, on 3 June 2003 a letter from the Deputy Minister for Natural Resources of the Russian Federation had been addressed to the Chairman of the Commission posing a number of questions relating to the Commission's recommendations with regard to the submission. At its thirteenth session, held from 26 to 30 April 2004, the Commission had considered the issues raised in that letter and transmitted its response to the Deputy Minister on 28 April 2004.

71. The Chairman of the Commission pointed out that the Commission had continued its work to facilitate and clarify the process of dealing with submissions by coastal States, including a review of its procedural and organizational documents to align and streamline their provisions. The statement of the Chairman on the

progress of work in the Commission at its thirteenth session (CLCS/39) contained an account of the review of the modus operandi of the Commission (CLCS/L.3) and the internal procedure of the subcommission (CLCS/L.12), and the Rules of Procedure.

72. The Chairman noted that a training manual was being prepared by the Division for Ocean Affairs and the Law of the Sea in cooperation with two coordinators who were members of the Commission. The coordinators had received many contributions from experts, some of whom were also members of the Commission, and had completed a number of the modules for the manual. The first draft of the manual is expected to be finalized by the end of 2004.

73. He drew attention to the amendments to the terms of reference, guidelines and rules of the Trust Fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea, adopted by the General Assembly in resolution 58/240. Those amendments had been adopted to facilitate the use of the Fund by developing coastal States, with priority given to least developed and small island developing States. The Chairman seized the opportunity to call for additional political and financial support for the Trust Fund and provided an overview of its activities. He also drew attention to the second trust fund, which had been established to help developing States defray the costs of the participation of members of the Commission from their countries, and described its activity.

74. The Chairman of the Commission pointed out that, in response to a note verbale from the Division for Ocean Affairs and the Law of the Sea addressed to certain coastal States whose term of submission expired in 2009, seven States had informed the Secretariat that their submissions to the Commission were expected to be completed within the next three years. In addition, he informed the Meeting that Brazil had delivered its submission to the Secretary-General on 17 May 2004, enabling the Commission to begin consideration of the submission at its fourteenth session, to be held from 30 August to 3 September 2004.

75. The Chairman concluded his remarks by emphasizing that, in view of the duty of the Commission to provide technical and scientific advice to coastal States, as set out in article 3 of annex II to the Convention, guidance to States should remain at the top of the agenda of the Commission.

76. One delegation underscored the technical difficulties of developing States with regard to the process of delineation of the outer limits of the continental shelf and expressed appreciation for the mechanisms set up by the Commission to assist States in that respect, making reference in particular to the Commission's web site and to the training manual. That delegation urged the allocation of adequate resources to allow the Commission to diversify programmes of assistance and appealed to States that were in a position to do so to continue contributing to the Trust Fund established to facilitate the preparation of submissions.

77. The Meeting took note with appreciation of the information provided by the Chairman of the Commission.

VII. Matters related to article 319 of the United Nations Convention on the Law of the Sea

78. At the tenth Meeting of States Parties, Chile had proposed that the Meeting consider issues relating to the implementation of the Convention and that it should receive an annual report from the Secretary-General on issues of a general nature that had arisen with respect to the Convention (SPLOS/CRP.22 and SPLOS/60 and Corr.1, paras. 73-78). As a result of that proposal and in order to address the concerns of both the delegations that supported the inclusion of matters of substance in the agenda of future Meetings and those which held the view that the Meeting should only consider issues relating to budgetary and administrative matters, the Meeting had agreed previously to include the item "Matters related to article 319 of the United Nations Convention on the Law of the Sea" on its agenda. The item had been discussed at each subsequent meeting, with delegations maintaining their various positions, and as a compromise the item had been retained on the agenda.

79. At the fourteenth Meeting, opposing views continued to be expressed with regard to the agenda item.[3]

80. The view that the Meeting should confine itself to the consideration of budgetary and administrative matters was articulated on both legal and practical grounds. It was underlined that, according to article 319, paragraph 2 (e), the Secretary-General had a mandate to convene necessary meetings of States parties in accordance with the Convention and that the only relevant parts of the Convention that referred to the Meeting of States Parties were annexes II and VI, which required the Meeting to elect the members of the Commission on the Limits of the Continental Shelf and the judges of the International Tribunal for the Law of the Sea as well as to determine the budget of the Tribunal. Article 319, therefore, should be interpreted as giving the Meeting of States Parties only an administrative and budgetary role. Periodic reviews of the Convention were not envisaged in that article. It was also underlined that treaties that contained a mechanism to oversee their implementation explicitly provided for it, which was not the case of the Convention. Such legal interpretation was corroborated by the fact that, as several delegations recalled, there were other forums and bodies that dealt with matters related to oceans and the law of the sea, given the wideness of the topic of governance of the world's oceans. In that regard, delegations referred, in particular, to the discussions held by the General Assembly and by the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea and to the work carried out by the International Maritime Organization, the Food and Agriculture Organization of the United Nations and the International Seabed Authority.

81. Legal and practical considerations were also at the basis of the opposite view, namely, that the Meeting of States Parties represented the logical forum for discussions of all issues pertaining to the implementation of the Convention, was underscored by delegations that supported the consideration of matters of substance together with budgetary and administrative ones. A more substantive role of the Meeting of States Parties, according to them, was not only consistent with the preamble to the Convention but also with the unifying nature of the instrument, known as "the constitution of the oceans". Such a role would increase the effectiveness and usefulness of the Meeting. However, as underlined by a number of delegations, substantive discussions at the Meeting should not be tantamount to a

periodic review of the Convention or to the amendment process as set out in articles 312-314 of the Convention.

82. The proposal that the Secretary-General should resume his reporting function under article 319, paragraph 2 (a), of the Convention was advanced by some of the delegations that supported a more substantive role for the Meeting of States Parties. The Secretary-General, according to that proposal, would report to the Meeting on issues of a general nature that had arisen with respect to the Convention, as had been done in 1996 (see SPLOS/6 and Corr.1). Such a report would facilitate substantive discussions by the Meeting. Some delegations were of the view that such a report might be separate from the Secretary-General's annual report and would focus on issues such as the relationship between the Convention and the Convention on Biological Diversity[4] or the "genuine link" or other issues that the States parties identified. However, some other delegations reiterated their opposition to the consideration of issues of implementation of the Convention by the Meeting of States Parties.

83. In connection with these discussions, the Director of the Division for Ocean Affairs and the Law of the Sea was requested to provide information on the obligations of the Secretary-General under article 319, paragraph 2 (a). In response to that request, the Director provided the following information:

> "The responsibilities of the Secretary-General under international treaties are specified through the adoption by the General Assembly of respective resolutions. In the case of the United Nations Convention on the Law of the Sea of 10 December 1982, such responsibilities were specified in particular in resolutions 37/66 of 3 December 1982 and 49/28 of 6 December 1994. On the question at issue, in paragraph 15 (a) of resolution 49/28, the Assembly requested the Secretary-General to continue to carry out the responsibilities entrusted to him upon the adoption of the Convention and to fulfil the functions consequent upon the entry into force of the Convention, in particular by preparing annually a comprehensive report, for the consideration of the Assembly, on developments relating to the law of the sea, taking into account relevant scientific and technological developments, which could also serve as a basis for reports to all States parties to the Convention, the International Seabed Authority and competent international organizations, and which the Secretary-General was required to provide under the Convention. Accordingly, such a report has been prepared by the Secretary-General annually and submitted to the Assembly for consideration by all States, including States parties to the Convention. Since the adoption of that resolution, only one report has been submitted to the Meeting of States Parties with reference to article 319 of the Convention, namely document SPLOS/6 (and Corr.1) of 11 April 1996 entitled 'Report of the Secretary-General under article 319 of the United Nations Convention on the Law of the Sea' ('1996 report'). The introductory paragraphs of that report provide that: '2. Consequent upon the entry into force of the Convention, the General Assembly, at its forty-ninth session, requested the Secretary-General to fulfil this reporting function, and suggested that the comprehensive annual report of the Secretary-General on developments relating to the law of the sea, prepared for the General Assembly, could serve as a basis for such reports (resolution 49/28, para. 15 (a)). Attention is therefore drawn to the most recent report on the law of the sea, dated 1 November 1995. 3. The purpose of the present report is to provide

a short summary of main current developments, including consideration of the item 'Law of the sea' and related matters at the fiftieth session of the General Assembly and in other intergovernmental forums. The attention of States parties, the Authority and competent international organizations is drawn, in accordance with article 319 (2) (a), to certain issues which have arisen and which warrant their consideration.' As to the role of the Secretary-General's annual report to the Assembly, paragraph 11 of the 1996 report states that '[T]he annual report of the Secretary-General on the law of the sea covers all developments pertaining to the Convention, including the institutions established by the Convention, as well as other developments in the field of ocean affairs. It also serves as a report on the work of the Organization, and of the United Nations system as a whole, in the field of ocean affairs. The report thus provides the necessary basis for the "annual consideration and review of the overall developments relating to the law of the sea by the General Assembly, as the global institution having the competence to undertake such a review" (General Assembly resolution 49/28, preamble)'.The concluding part of the 1996 report, paragraph 55, states that: 'It is suggested that the future reports of the Secretary-General under article 319 focus on the identification and appropriate treatment of issues of particular importance to States Parties and competent international organizations, and so facilitate the subsequent consideration of these issues by the General Assembly. It would not be the purpose of the article 319 report, however, to replace the Secretary-General's annual report to the General Assembly, which gives the comprehensive overview of all relevant developments.' At the eleventh meeting of States parties, held from 14 to 18 May 2001, the Under-Secretary-General for Legal Affairs, the Legal Counsel, Hans Corell, made a statement on the mandate given to the Secretary-General by the General Assembly with regard to the preparation of comprehensive reports on developments relating to the implementation of the Convention, the law of the sea and ocean affairs, with particular reference to agenda item 14: 'Matters related to article 319 of the United Nations Convention on the Law of the Sea.' He recalled paragraph 15 of resolution 49/28 and stated that '[i]t seems that the General Assembly had envisaged that the annual comprehensive report presented before it could also serve as the report "to all States parties", as described in article 319.' No specific issues have been identified for consideration by the Meeting of States Parties, as referred to in paragraph 55 of the 1996 report. Consequently, no subsequent reports have been submitted to the Meeting of States Parties under article 319 of the Convention. It also appears there is an omission in that the comprehensive annual report of the Secretary-General on oceans and the law of the sea presented before the General Assembly does not make reference to the fact that it also contains information submitted pursuant to article 319 of the Convention."

84. The Meeting noted with appreciation the information provided by the Director of the Division.

85. In order to reach consensus on the agenda item, the President of the Meeting established a group of Friends of the President to hold informal consultations. After extensive deliberations, the group of Friends of the President put forward the following compromise proposal, which, upon its submission by the Fresident, was approved by the Meeting: "The annual report of the Secretary-General on oceans

and the law of the sea presented before the General Assembly should make reference to the fact that it is also presented to States parties pursuant to article 319 of the Convention." The compromise proposal, in addition, contained a new item, entitled "Report of the Secretary-General under article 319 for the information of States parties on issues of a general nature relevant to States parties that have arisen with respect to the United Nations Convention on the Law of the Sea", to be included in the agenda of the fifteenth Meeting.

86. Following the adoption of the proposal, some delegations made statements explaining their position with regard to it. They focused, in particular, on the phrase "for the information of States parties" contained in the title of the newly adopted agenda item. According to those statements, the phrase did not constrain delegations either from discussing the Secretary-General's report nor from raising any other issue of interest under the Convention. The phrase was also interpreted as allowing delegations to propose decisions on substantive issues at the Meeting. As it was underlined, that understanding of the phrase "for the information of States parties" had represented the basis for the acceptance of the compromise proposal on the part of some delegations.

87. Concerns were expressed with regard to such interpretative statements by delegations that were in favour of confining the role of the Meeting to budgetary and administrative matters. They noted that the compromise just adopted envisaged that the Secretary-General's report should be for information purposes only and limited to general issues that were relevant to States parties.

88. In the context of those discussions, the view was also expressed that the Meeting of States Parties could discuss matters of substance contained in the report but any decision on such matters should be taken only by consensus, rather than by the two-thirds majority envisaged under the Rules of Procedure for Meetings of States Parties.

89. In addition, it was agreed that, for the fifteenth Meeting of States Parties, the agenda item "Other matters" be retained on the agenda. That agreement is reflected in paragraphs 102 and 103 of the present report.

VIII. Other matters

A. Statement by a representative of a non-governmental organization regarding seafarers

90. In accordance with rule 18, paragraph 4, of the Rules of Procedure for Meetings of States Parties, a representative of the Seamen's Church Institute was invited to address the Meeting as an observer. In his statement, he recalled that the drafters of the Convention had recognized that preserving and protecting an orderly environment for the men and women who worked on the seas was crucial to protecting all of the other interests addressed in the Convention.

91. With reference to the entry into force of the International Ship and Port Security Code, he noted that the Code recognized the essential role of seafarers in the promotion of maritime security. Nevertheless, he also noted, ships' crews were treated as potential terrorists by some coastal States, a trend that ultimately could work counter to security by discouraging crews to cooperate with the authorities. He

also expressed his alarm at the effects that security measures would have on the safety of stowaways.

92. The increasing criminal prosecution of mariners in pollution cases, even when there was no criminal culpability, was another source of concern according to the representative of the Seamen's Church Institute. Such prosecution, in fact, could have the potential to discourage crews from participating in casualty investigations and to deter skilled people from pursuing shipboard careers, ultimately affecting marine safety and pollution prevention.

93. In conclusion, he reiterated the appeal to the Meeting of States Parties to place on its agenda, as a matter of priority, the protection of seafarers and a review of how States parties implemented the relevant provisions of the Convention.

B. Presentation by the Registrar of the International Tribunal for the Law of the Sea

94. The Registrar of the Tribunal made a presentation providing an overview of the Tribunal. In particular, he described the composition and the seat and facilities of the Tribunal, as well as its competence and procedural aspects. In addition, he briefly recounted the activities undertaken and case law developed by the Tribunal since its establishment. The President of the Meeting expressed the appreciation of the Meeting for the briefing given on the Tribunal. He noted that States needed to be aware in greater detail of the Tribunal's role so that, if necessary, they could avail themselves of the dispute settlement services of that judicial body.

C. Statement by the President at the closure of the fourteenth Meeting of States Parties

95. The President recalled that the Meeting, despite certain difficulties, had adopted its agenda and programme of work in a spirit of compromise and cooperation. That same spirit had enabled the Meeting to adopt the biennial budget of the International Tribunal for the Law of the Sea in an expeditious, yet thorough and responsible manner.

96. On behalf of the Meeting, he expressed appreciation to the President of the Tribunal, the Secretary-General of the International Seabed Authority and the Chairman of the Commission on the Limits of the Continental Shelf for the information they had provided on the work of their respective institutions. The Meeting, the President continued, had reviewed and adopted the first biennial budget proposed by the Tribunal for the financial period 2005-2006. The budget, presented for the first time in euros in accordance with the previous decision of the thirteenth Meeting of States Parties, reflected an overall increase of approximately $244,700 over the previous year. Prepared with a "zero-growth" approach, the budget increase was due for the most part to fluctuations in the exchange rate between the United States dollar and the euro.

97. He drew the attention of States parties to the need to ensure that the assessed contributions to the Tribunal were paid in full and on time. Similarly, he recalled that the Secretary-General of the International Seabed Authority had also underlined the need to pay contributions to the Authority in full and on time and the importance

of attendance by delegations at the meetings of the Authority in order to ensure that it carried out its functions with adequate representation of States parties.

98. With respect to other budgetary and administrative matters concerning the Tribunal, he noted that the Meeting had dealt with a number of issues, including reimbursement to the staff and members of the Tribunal of any national taxes paid, and the interim appointment of an Auditor for the financial year 2003. A decision would be taken at a later stage on the appointment of an Auditor to a four-year term as called for under the Financial Regulations. The Meeting also took note of the draft financial rules of the Tribunal (SPLOS/2004/WP.2).

99. The President went on to recall that an extensive debate had been held on the role of the Meeting with respect to discussions of substantive issues within the context of agenda item 16, "Matters related to article 319 of the United Nations Convention on the Law of the Sea".

100. He noted that the Meeting had benefited from an informative statement by the Director of the Division for Ocean Affairs and the Law of the Sea on the reporting responsibilities of the Secretary-General. The group of the Friends of the President had discussed and put forward a proposal with a view to reaching a consensus, which had subsequently been adopted by the Meeting. He underlined that the group had worked in a spirit of cooperation and compromise and that the Meeting had adopted the proposal in the same spirit of compromise.

101. The Meeting, he noted, had also heard a statement from the observer for the Seamen's Church Institute, who had brought to the attention of the Meeting important issues concerning maritime security and the well-being of crews of ships. He was confident that representatives of States parties had taken note of that statement as appropriate and would report the concerns of the workers at sea to their Governments.

D. Dates and programme of work for the fifteenth Meeting of States Parties

102. The fifteenth Meeting of States Parties will be held in New York from 13 to 17 June 2005.

103. The fifteenth Meeting will have on its agenda, inter alia, the following items:

(a) Report of the International Tribunal for the Law of the Sea to the Meeting of States Parties covering the year 2004 (rule 6 of the Rules of Procedure for Meetings of States Parties);

(b) Information reported by the Secretary-General of the International Seabed Authority;

(c) Information reported by the Chairman of the Commission on the Continental Shelf;

(d) Financial statements of the International Tribunal for the Law of the Sea and report of the External Auditors for the financial year 2003;

(e) Appointment of auditors;

(f) Report of the Tribunal on issues related to staff assessments and national taxes;

(g) Election of seven members of the International Tribunal for the Law of the Sea;

(h) Consideration of other budgetary matters of the International Tribunal for the Law of the Sea;

(i) Report of the Secretary-General under article 319 for the information of States parties on issues of a general nature, relevant to States parties, that have arisen with respect to the United Nations Convention on the Law of the Sea;

(j) Other matters.

It should be noted that the items may not necessarily follow the above sequence.

Notes

[1] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

[2] United Nations, *Treaty Series*, vol. 2167, p. 271.

[3] For a summary of previous debates on the item, see documents SPLOS/73 and Corr.1, paras. 85-92, SPLOS/91, paras. 111-116, and SPLOS/103 and Corr.1, paras. 94-102.

[4] United Nations, *Treaty Series*, vol. 1760, No. 30619.